



Town of Arlington

ARLINGTON REDEVELOPMENT BOARD

2021 Annual Town Meeting Draft Zoning Bylaw Amendments

February 11, 2021

Introduction and Overview

The Arlington Redevelopment Board (ARB) is the Town's Planning Board, under M.G.L. Chapter 41 § 81. There are five members of the Board. Four are appointed by the Town Manager and the fifth is a gubernatorial designee appointed by the Massachusetts Department of Housing and Community Development. The Board serves as the Town's special permit granting authority for projects which require an Environmental Design Review (EDR) as identified in the Zoning Bylaw. The ARB is also the Town's Urban Renewal Authority under M.G.L. Chapter 121; with Town Meeting approval, the Board may hold property to improve and rehabilitate them to meet community development goals.

The members of the ARB are as follows:

Rachael Zsembery, Chair (Term through 6/30/2023)

Kin Lau, Vice Chair (Term through 1/31/2022)

Eugene Benson (Term through 1/31/2023)

David Watson (Term through 9/22/2023)

Jennifer Raitt, Director of the Department of Planning and Community Development, serves as Secretary Ex-Officio to the ARB.

In accordance with the provisions of the Town of Arlington, Massachusetts Zoning Bylaw and Massachusetts General Laws Chapter 40A, a public hearing will be held by the Arlington Redevelopment Board (ARB) on:

1. **Monday, March 1, 2021**, beginning at 8:00 PM, via Zoom at <https://town-arlington-ma-us.zoom.us/j/99259100788>, Meeting ID: 992 5910 0788, or by calling (646) 876-9923 Meeting ID 992 5910 0788#;
2. **Monday, March 15, 2021**, beginning at 7:00 PM via Zoom at <https://town-arlington-ma-us.zoom.us/j/97244125035>, Meeting ID: 972 4412 5035, or by calling (646) 876-9923, Meeting ID 972 4412 5035#;
3. **Monday, March 29, 2021**, beginning at 7:00 PM , via Zoom at <https://town-arlington-ma-us.zoom.us/j/95703909984>, Meeting ID: 957 0390 9984, or by calling (646) 876-9923, Meeting ID 957 0390 9984#; and
4. **Monday, April 5, 2021**, beginning at 8:00 PM via Zoom at <https://town-arlington-ma-us.zoom.us/j/96082543721>, Meeting ID: 960 8254 3721, or by calling (646) 876-9923, Meeting ID 960 8254 3721#.

The articles are presented in the order in which they appear in the Legal Notice. The ARB will hear public comments on the proposed amendments to the Zoning Bylaw. After receiving public comments, the ARB will make recommendations on the proposed amendments for Annual Town Meeting, which will begin on Monday, April 26, 2021.

The draft language of the proposed amendments to the Zoning Bylaw is available beginning on Thursday, February 11, 2021 for viewing and downloading from the Redevelopment Board page of the Town's website at www.arlingtonma.gov.

Please note that the Zoning Bylaw Amendments have not yet been assigned Article numbers as of February 8, 2021.

Contact Erin Zwirko, Assistant Director of Planning and Community Development, at 781-316-3091 or ezwirko@town.arlington.ma.us with any questions or comments.

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Summary of Recommended Votes of the Redevelopment Board

This page is reserved for a listing of all final votes taken by the Board.

DRAFT

Zoning Bylaw Amendments: Clarification of Definition of Mixed Use

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE____ ZONING BYLAW AMENDMENT/ CLARIFICATION OF DEINTITION OF MIXED USE

To see if the Town will vote to amend the definition of Mixed Use in the Zoning Bylaw to clarify that as enacted by Town Meeting, land uses individually prohibited in any particular zoning district are also prohibited as part of Mixed Use developments in the same zoning district; or take any action related thereto.

(Inserted at the request of Christopher Loreti and 10 registered voters)

This article was originally submitted for the 2020 Annual Town Meeting and was deferred. The petitioner requested that the article be inserted in the 2021 Annual Town Meeting Warrant.

The petitioner provided the following information for the March 2, 2020 hearing held on this article:

That the definition of "Mixed-Use" in Section 2 of the Town of Arlington Zoning Bylaw is hereby amended by inserting immediately before the concluding period the words:

"provided that any such distinct land uses are not otherwise prohibited by this bylaw as individual land uses in the same Zoning District" such that the revised definition reads in its entirety:

Mixed-Use: A combination of two or more distinct land uses, such as commercial, lodging, research, cultural, artistic/creative production, artisanal fabrication, residential in a single multi-story structure to maximize space usage and promote a vibrant, pedestrian-oriented live-work environment provided that any such distinct land uses are not otherwise prohibited by this bylaw as individual land uses in the same Zoning District.

Additional supporting information was posted online with the March 2, 2020 hearing held on this article:
<https://arlington.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=8553&MeetingID=1008>

Zoning Bylaw Amendments: Conversion of Commercial to Residential

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE____ ZONING BYLAW AMENDMENT/ CONVERSION OF COMMERCIAL TO RESIDENTIAL

To see if the Town will vote to amend Section 5.2.4 the Zoning Bylaw, by inserting in the last sentence of said section, after the word footprint, the words “if allowed by special permit” and by inserting, after the words residential use, the words “provided that the addition or expansion is for affordable housing” so that said sentence will read as follows:

In the case of an existing commercial use, the addition or expansion of residential use within the building footprint if allowed by special permit shall not require adherence to setback regulations for residential uses, provided that the addition or expansion is for affordable housing, even if the residential use becomes the principal use of the building;

or take any action relating thereto.

(Inserted at the request of John L. Worden III and 10 registered voters)

This article was originally submitted for the 2020 Annual Town Meeting and was deferred. The petitioner requested that the article be inserted in the 2021 Annual Town Meeting Warrant. The amendment is embedded in the Warrant Article.

The petitioner provided the following information for the March 2, 2020 hearing held on this article:

Under the law as it presently stands, a mixed use building, with its minimal setbacks could be converted entirely into residential uses, by right. Since the only kind of additional housing that Arlington needs is affordable housing, the ability to do that would be limited under this amendment, and subject to public review.

Additional supporting information was posted online with the March 2, 2020 hearing held on this article:
<https://arlington.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=8553&MeetingID=1008>

Zoning Bylaw Amendments: Marijuana Uses

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE ____

ZONING BYLAW AMENDMENT/ MARIJUANA USES

To see if the Town will vote to amend the Zoning Bylaw to allow Marijuana Delivery-Only Retailers and other amendments for consistency with the state regulations for the adult use of marijuana and the medical use of marijuana by amending SECTION 2 DEFINITIONS, SECTION 5.5.3. USE REGULATIONS FOR BUSINESS DISTRICTS, SECTION 5.6.3. USE REGULATIONS FOR MU, PUD, I, T, AND OS DISTRICTS, and SECTION 8.3 STANDARDS FOR MARIJUANA USES; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Amend SECTION 2:

Marijuana Delivery-Only Retailer: An entity licensed by the Massachusetts Cannabis Control Commission to deliver directly to consumers from a Marijuana Retailer or a Medical Marijuana Treatment Center and that does not provide a retail location accessible to the public.

Marijuana Establishment: A Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Marijuana Delivery-Only Retailer, Independent Testing Laboratory, Marijuana Research Facility, or any other type of licensed marijuana-related business except not a Medical Marijuana Treatment Center, also known as a Registered Marijuana Dispensary or RMD.

Marijuana Microbusiness: A co-located Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, pursuant to 935 CMR 500.00, in compliance with the operating procedures for each license, and if in receipt of a Delivery Endorsement issued by the Cannabis Control Commission, may deliver Marijuana or Marijuana Products produced at the licensed location directly to consumers in compliance with establish regulatory requirements for retail sale as it relates to delivery. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments, pursuant to 935 CMR 500.00.

Marijuana Production Facility: An establishment authorized to cultivate, manufacture, process or package marijuana products, in accordance with applicable state laws and regulations. A Marijuana Production Facility may be licensed to operate as a Marijuana Microbusiness, Marijuana Cultivator or Marijuana Product Manufacturer, or registered as Medical Marijuana Treatment Center (also known as a Registered Marijuana Dispensary or RMD), or a co-located medical and non-medical establishment, in accordance with applicable state laws and regulations.

Marijuana Retailer: An entity licensed to purchase and transport Marijuana Products from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. ~~Retailers are prohibited from off-site delivery of Marijuana Products to consumers; and from offering Marijuana Products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.~~ A Marijuana Retailer can deliver Marijuana or Marijuana Products to consumers in accordance with the regulations at 935 CMR 500.00. A Marijuana Retailer may not allow on-site social consumption by consumers on the premises of the Marijuana Establishment.

Marijuana Use: A Marijuana Production Facility (See “Marijuana Cultivator” , “Marijuana Product Manufacturer” , “Marijuana Microbusiness” , and “Marijuana Production Facility”), Marijuana Research and Testing Facility (See “Independent Testing Laboratory” and

Zoning Bylaw Amendments: Marijuana Uses

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

Marijuana Research Facility”), Marijuana Retailer, Marijuana Delivery-Only Retailer, or Medical Marijuana Treatment Center as defined in this Zoning Bylaw.

Medical Marijuana Treatment Center: ~~An establishment registered with the Commonwealth pursuant to 105 CMR 725.100, An entity licensed under 935 CMR 501.101,~~ also known as a “registered marijuana dispensary” (RMD), that acquires, cultivates, possesses, processes (including development of related products such as ~~food edibles~~, marijuana-infused products, tinctures, aerosols, oils, or ointments), repackages, transfers, transports, sells, ~~offers for sale~~, distributes, delivers, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical ~~use purposes in accordance with applicable state laws and regulations~~. Unless otherwise specified, Medical Marijuana Treatment Center refers to the site(s) of dispensing, cultivation, and preparation of cannabis or marijuana for medical use.

Amend SECTION 5.5.3.:

Retail	B1	B2	B2A	B3	B4	B5
<u>Marijuana Delivery-Only Retailer</u>					<u>SP</u>	

Amend SECTION 5.6.3.:

Retail	MU	PUD	I	T	OS
<u>Marijuana Delivery-Only Retailer</u>			<u>SP</u>		

Amend SECTION 8.3:

8.3 Standards for Marijuana Uses

For all marijuana uses, the following standards apply:

A. General

- (1) Marijuana Establishments and Medical Marijuana Treatment Centers shall be allowed only after the granting of an Environmental Design Review Special Permit by the Arlington Redevelopment Board, subject to the requirements of Section 3.4 and this Section.
- (2) Marijuana Retailers, Marijuana Delivery-Only Retailers, and Marijuana Production Facilities, as defined in Section 2, may be established to provide Marijuana Products for medical use, non-medical use, or both, in accordance with applicable state laws and regulations.
- (3) Marijuana Establishments and Medical Marijuana Treatment Centers shall be located only in a permanent building and not within any mobile facility, with the exception that Marijuana Microbusiness with a Delivery Endorsement and Marijuana Delivery-Only Retailers may conduct mobile deliveries in accordance with 935 CMR 500.000. All sales, cultivation, manufacturing, and other related activities shall be conducted within the building, except in cases where home deliveries are authorized to serve qualified

Zoning Bylaw Amendments: Marijuana Uses

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

medical marijuana patients pursuant to applicable state and local regulations and except that Marijuana Microbusiness with a Delivery Endorsement and Marijuana Delivery-Only Retailers may conduct sales in accordance with 935 CMR 500.000.

- (4) Marijuana Production Facilities shall not be greater than 5,000 square feet in gross floor area, and shall be licensed as a Marijuana Microbusiness if Marijuana Products are cultivated or produced for non-medical use.
- (5) A Marijuana Retailer or Marijuana Production Facility that has previously received an Environmental Design Review Special Permit from the Arlington Redevelopment Board for a Medical Marijuana Treatment Center shall be required to amend its previously issued Special Permit to authorize the conversion to or co-location of a Marijuana Establishment for the non-medical use of marijuana.

B. Location

- (1) Pursuant to 935 CMR 500.110, Marijuana Establishments shall not be permitted within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades one through 12. This standard also applies to Medical Marijuana Treatment Centers not already permitted by the date of this bylaw.
- (2) Marijuana Establishments and Medical Marijuana Treatment Centers, not already permitted by the date of this bylaw, shall not be located within 300 feet of Town-owned playgrounds and recreational facilities and 200 feet of public libraries, unless a finding of the Arlington Redevelopment Board determines that the location, based on site-specific factors, or if the Applicant demonstrates, to the satisfaction of the Arlington Redevelopment Board, that proximity to the aforementioned facilities will not be detrimental based upon criteria established in 3.3.3 and 3.3.4.
- (3) A Marijuana Retailer shall not be permitted within 2,000 feet of another Marijuana Retailer; A Medical Marijuana Treatment Center shall not be permitted within 2,000 feet of another Medical Marijuana Treatment Center.
- (4) The distances referred to in this section shall be measured as defined in 935 CMR 500.110(3)(a).

C. Cap on the number of Special Permits for Marijuana Retailers

- (1) The Arlington Redevelopment Board shall not grant a special permit if doing so would result in the total number of Marijuana Retailer licenses to exceed a maximum of three.

Zoning Bylaw Amendments: Affordable Housing Requirements

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE__ ZONING BYLAW AMENDMENT/ AFFORDABLE HOUSING REQUIREMENTS

To see if the Town will vote to amend the Zoning Bylaw to increase the time during which the affordable housing requirements apply from a two-year period to a three-year period in alignment with G.L. c.40A § 9 by amending SECTION 8.2.2. APPLICABILITY; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Amend SECTION 8.2.2.:

8.2.2. Applicability

The provisions of this Section 8.2 shall apply to all new residential development with six or more units subject to Section 3.4, Environmental Design Review, comprised of any or all of the following uses:

- Single-family detached dwelling
- Two-family dwelling
- Duplex dwelling
- Three-family dwelling
- Townhouse structure
- Apartment building
- Apartment conversion
- Single-room occupancy building

Any residential development of the uses listed above involving one lot, or two or more adjoining lots in common ownership or common control, for which special permits or building permits are sought within a ~~two-year~~ three-year period from the first date of special permit or building permit application shall comply with the provisions of this Section 8.2.

Zoning Bylaw Amendments: Apartment Conversion

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE__

ZONING BYLAW AMENDMENT/ APARTMENT CONVERSION

To see if the Town will vote to amend the Zoning Bylaw to include a definition of apartment conversion by amending SECTION 2 DEFINITIONS; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Amend SECTION 2:

Apartment Conversion: The conversion of an existing structure originally designed for one-family or two-family use to an apartment building with no addition to or expansion of the exterior of the structure.

Zoning Bylaw Amendments: Gross Floor Area

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE ____

ZONING BYLAW AMENDMENT/ GROSS FLOOR AREA

To see if the Town will vote to amend the Zoning Bylaw to clarify how landscaped and usable open space is calculated relative to gross floor area by amending SECTION 5.3.22. GROSS FLOOR AREA to add subsection C and add appropriate references in the associated definitions in SECTION 2; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Amend SECTION 5.3.22.:

5.3.22. Gross Floor Area

- A. For the purposes of this bylaw, the following areas of buildings are to be included in the calculation of Gross Floor Area:
- (1) Elevator shafts and stairwells on each floor;
 - (2) Attic areas with headroom, measured from subfloor to the bottom of the roof structure, of seven feet ~~three inches~~ or more, except as excluded in (4) below;
 - (3) Interior mezzanines;
 - (4) Penthouses;
 - (5) Basement areas except as excluded in (2) below;
 - (6) Cellars in residential uses;
 - (7) All-weather habitable porches and balconies; and
 - (8) Parking garages except as excluded in (1) below.
- B. For the purposes of this bylaw, the following areas of buildings are to be excluded from the calculation of Gross Floor Area:
- (1) Areas used for accessory parking, or off-street loading purposes;
 - (2) Basement areas devoted exclusively to mechanical uses accessory to the operation of the building;
 - (3) Open or lattice enclosed exterior fire escapes;
 - (4) Attic and other areas used for elevator machinery or mechanical equipment accessory to the operation of the building; and
 - (5) Unenclosed porches, balconies, and decks.
- C. For the purposes of this bylaw, the district dimensional requirements for Usable Open Space and Landscaped Open Space are calculated based on Gross Floor Area.

Amend SECTION 2:

Open Space, Landscaped: Open space designed and developed for pleasant appearance in trees, shrubs, ground covers and grass, including other landscaped elements such as natural features of the

Zoning Bylaw Amendments: Gross Floor Area

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

site, walks and terraces, and also including open areas accessible to and developed for the use of the occupants of the building located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes. Refer to Section 5.3.22.C. for on how to calculate landscaped open space.

Open Space, Usable: The part or parts of a lot designed and developed for outdoor use by the occupants of the lot for recreation, including swimming pools, tennis courts, or similar facilities, or for garden or for household service activities such as clothes drying; which space is at least 75% open to the sky, free of automotive traffic and parking, and readily accessible by all those for whom it is required. Such space may include open area accessible to and developed for the use of the occupants of the building, and located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes. Open space shall be deemed usable only if at least 75% of the area has a grade of less than 8%, and no horizontal dimension is less than 25 feet. For newly constructed single-, two-family, and duplex dwellings with surface parking, no horizontal dimension shall be less than 20 feet. Refer to Section 5.3.22.C. for on how to calculate usable open space.

Zoning Bylaw Amendments: Prohibited Uses

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE__

ZONING BYLAW AMENDMENT/ PROHIBITED USES

To see if the Town will vote to amend the Zoning Bylaw to indicate that uses without a "Y" or "SP" in the Tables of Uses are prohibited by amending SECTION 5.2.2. PROHIBITED USES to add subsection C; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Amend SECTION 5.2.2.:

5.2.2. Prohibited Uses

- A. Any use not listed in the Tables of Uses for various districts in Section 5 or otherwise allowable under the provisions of this Bylaw is prohibited.
- B. All uses that pose a present or potential hazard to human health, safety, welfare, or the environment through emission of smoke, particulate matter, noise or vibration, or through fire or explosive hazard, or glare, are expressly prohibited in all districts.
- C. Any use not designated with a "Y" (Yes, use allowed) or "SP" (Special Permit required) in the Tables of Uses for various districts is prohibited in that district, unless otherwise authorized by this bylaw.

Zoning Bylaw Amendments: Other Districts Dimensional and Density Regulations
Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE__

**ZONING BYLAW AMENDMENT/
OTHER DISTRICTS DIMENSIONAL AND DENSITY REGULATIONS**

To see if the Town will vote to amend the Zoning Bylaw to include the legend for tables by amending SECTION 5.6.2. DIMENSIONAL AND DENSITY REGULATIONS; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Amend SECTION 5.6.2.:

5.6.2. Dimensional and Density Regulations

The dimensional and density requirements in this Section apply to principal and accessory uses and structures in the MU, I, T, PUD, and OS districts. Additional dimensional and density regulations affecting all districts can be found in Section 5.3.

LEGEND FOR TABLES

Sq.ft. Square feet

ft Feet

L Length

H Height

W Width

ROW Right-of-Way

SP Special Permit

Y Yes (use allowed)

Zoning Bylaw Amendments: Administrative Amendments

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE__

ZONING BYLAW AMENDMENT/ ADMINISTRATIVE AMENDMENTS

To see if the Town will vote to amend the Zoning Bylaw to make the following administrative corrections;

1. Correcting references to Board of Selectmen in subparagraph B of SECTION 3.1.4. PENALTY and in Section 3.2.1. ESTABLISHMENT;
2. Removing gendered terms in subparagraph A of SECTION 3.2.3. RULES AND REGULATIONS and subparagraph D of SECTION 6.2.7. NONCONFORMING SIGNS;
3. Correcting reference to August, 1975 in subparagraphs C and D in SECTION 5.4.2. DIMENSIONAL AND DENSITY REQUIREMENTS;
4. Correcting reference to Section 7 in SECTION 3.3.4.A SPECIAL PERMIT CONDITIONS; and
5. Correcting reference to seven feet three inches in subsection A(2) in SECTION 5.3.22. APPLICABILITY;

or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Amend SECTION 3.1.4.B:

- B. The Building Inspector may, with the approval of the ~~Board of Selectmen~~ Select Board, institute the appropriate criminal action or proceeding at law or in equity to prevent any unlawful action, use or condition, and to restrain, correct or abate such violation. Penalties for violations may, upon conviction, be affixed in an amount not to exceed three-hundred dollars (\$300.00) for each offense. Each day, or portion of a day, in which a violation exists shall be deemed a separate offense.

Amend SECTION 3.2.1.:

3.2.1. Establishment

There shall be a Zoning Board of Appeals ("Board of Appeals") consisting of five members and two associate members appointed by the ~~Board of Selectmen~~ Select Board. All members of the Board of Appeals shall be Arlington residents, one member shall be an attorney-at-law, and at least one of the remaining members shall be a registered architect or a registered professional engineer. The appointment, service, and removal or replacement of members and associate members and other actions of the Board of Appeals shall be as provided for in G.L. c. 40A.

Amend SECTION 3.2.3.A:

- A. The ~~Chairman~~ Chair of the Board of Appeals, or in ~~his~~ their absence the Acting ~~Chairman~~ Chair, may administer oaths, but must do so for hearings involving G.L. c. 40B, summon witnesses and call for the production of papers. All hearings shall be open to the public. The Board of Appeals and all permit and special permit granting authorities shall hold hearings and render decisions in accordance with the applicable time limitations as set forth in G.L. c. 40A § § 9 and 15. The Board of Appeals shall cause to be made a detailed record of its proceedings which in the case of G.L. c. 40B hearings shall require that all testimony be electronically recorded, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and setting forth clearly the reasons for its decisions, and of its other official actions, copies of

Zoning Bylaw Amendments: Administrative Amendments

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

all of which shall be filed within 14 days in the office of the Town Clerk and the office of the Arlington Redevelopment Board and shall be a public record, and notice or decisions shall be mailed immediately to the petitioner and to the owners of all property deemed by the Board of Appeals to be affected thereby, including the abutters and the owners of land next adjoining the land of the abutters, notwithstanding that the abutting land or the next adjoining land is located in another city or town, as they appear on the most recent local tax list, and to every person present at the hearing who requests that notice be sent to ~~him~~ them and states the address to which such notice is to be sent. Upon the granting of a limited or conditional zoning variance or special permit, the Board of Appeals shall issue to the land owner a notice, certified by the ~~chairman~~ chair or clerk, containing the name and address of the land owner, identifying the land affected, and stating that a limited or conditional variance or special permit has been granted which is set forth in the decision of the Board on file in the office of the Town Clerk. No such variance or permit shall take effect until such notice is recorded in the Middlesex County Registry of Deeds.

The fee for recording such notice shall be paid by the owner and the notice shall be indexed in the grantor index under the name of the owner of record.

The concurring vote of all members of the Board shall be necessary to reverse any order or decision of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Bylaw, or to effect any variance in the application of this Bylaw.

Amend SECTION 6.2.7.D:

- D. Removal of a nonconforming sign, or replacement of a nonconforming sign with a conforming sign, is required when the use of the sign and/or the property on which the sign is located has been abandoned, ceased operations, become vacant, or been unoccupied for a period of 180 consecutive days or more as long as the period of non-use is attributable at least in part to the property owner, tenant, or other person or entity in control of the use. For purposes of this Section, rental payments or lease payments and taxes shall not be considered as a continued use. In the event this should occur, these conditions will be considered as evidence of abandonment, requiring removal of the nonconforming sign by the owner of the property, ~~his/her~~ their agent, or person having the beneficial use of the property, building or structure upon which the nonconforming sign or sign structure is erected within 30 days after written notification from the Building Inspector. If, within the 30-day period, the nonconforming sign is not removed, enforcement action consistent with Section 3.1 shall be pursued.

Amend SECTION 5.4.2.:

- C. One exception is made for attached single-family dwellings on Sunnyside Avenue, Gardner Street, Silk Street, Marrigan Street, and Fremont Street. Attached single-family dwellings existing in August 28, 1975, on these streets are permitted as a right.
- D. In the R0, R1 and R2 districts no new licensed nursing home, rest home, convalescent home facilities shall be constructed except at sites whereon these facilities existed as of August 28, 1975. These existing facilities may be reconstructed to meet code requirements in accordance with a special permit under 3.3 and 3.4.

Zoning Bylaw Amendments: Administrative Amendments

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

Amend SECTION 3.3.4.A:

- A. Dimensional standards more restrictive than those set forth in ~~Section 7~~Section 5 of this Bylaw;

Amend SECTION 5.3.22.A(2):

- A. For the purposes of this bylaw, the following areas of buildings are to be included in the calculation of Gross Floor Area:
- (1) Elevator shafts and stairwells on each floor;
 - (2) Attic areas with headroom, measured from subfloor to the bottom of the roof structure, of seven feet ~~three inches~~ or more, except as excluded in (4) below;
 - (3) Interior mezzanines;
 - (4) Penthouses;
 - (5) Basement areas except as excluded in (2) below;
 - (6) Cellars in residential uses;
 - (7) All-weather habitable porches and balconies; and
 - (8) Parking garages except as excluded in (1) below.

Zoning Bylaw Amendments: Definition of Foundation

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE__

ZONING BYLAW AMENDMENT/ DEFINITION OF FOUNDATION

To see if the Town will vote to amend Section 2 of the Zoning Bylaw, by adding a new definition as follows:

Building Foundation: The masonry or concrete structure in the ground which supports the building. It does not include porches, decks, sheds, patios, one story attached garages, carports, or the like; or take any action related thereto.

(Inserted at the request of Patricia B. Worden and 10 registered voters)

This article was originally submitted for the 2020 Annual Town Meeting and was deferred. The petitioner requested that the article be inserted in the 2021 Annual Town Meeting Warrant. The amendment is embedded into the Warrant Article.

Zoning Bylaw Amendments: Energy Efficient Homes on Nonconforming Lots

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE ____ ZONING BYLAW AMENDMENT/ ENERGY EFFICIENT HOMES ON NONCONFORMING LOTS

To see if the Town will vote to amend the Zoning Bylaw to allow new construction of energy efficient foundations and homes on nonconforming lots in the R0, R1, and R2 Districts that meet certain energy efficiency industry standards; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Amend SECTION 5.4.2.B(4):

- (4) Front Yard Minimum Lot Width Requirements and Exceptions. The minimum front yard lot width shall be 50 feet at all points between the front lot line and the nearest building wall, except that such minimum front yard lot width shall not apply to (i) any lot excepted under Section 5.4.2(B)(1) or 5.4.2(B)(2) or 5.4.2(B)(8) or (ii) restoration of any principal building that existed on a lot or for which a building permit was issued prior to February 1, 1988.

Add SECTION 5.4.2.B(8):

- (8) Exemption for energy efficient homes on R0, R1 or R2 lots with an existing principal building. The minimum frontage and lot area requirements shall not apply to homes constructed to the lower of either (i) Home Energy Rating System (HERS) Score of 44 or below, or (ii) the maximum allowed HERS Score defined in the International Energy Conservation Code as adopted and amended by Massachusetts, and:
- The new structure is built within the existing foundation footprint, or with an addition that is not a Large Addition as defined in Section 5.4.2.B(6), or
 - The lot has at least 5,000 square feet of area, or
 - By special permit.

Zoning Bylaw Amendments: To Increase the Percentage of Affordable Housing Units
Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE ____ ZONING BYLAW AMENDMENT/ TO INCREASE THE PERCENTAGE OF AFFORDABLE HOUSING UNITS

To see if the Town will vote to amend Section 8.2.3A of the Zoning Bylaw to increase the percentage of affordable housing units required in any development subject to Section 8.2 of the Zoning Bylaw from 15% to a percentage between 25 and 30%; or take any action related thereto. (Inserted at the request of the Redevelopment Board)

(Inserted at the request of John Sanbonmatsu, Laura Kiesel, and 10 registered voters)

The Redevelopment Board has not received any additional information from the petitioner as of February 11, 2021.

Zoning Bylaw Amendments: Article to Propose the Adoption of Accessory Dwelling Units
Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

**ARTICLE ____ ZONING BYLAW AMENDMENT/ ARTICLE TO PROPOSE THE ADOPTION OF
ACCESSORY DWELLING UNITS**

To see if the Town will vote to the purpose of this article is to see if the Town will amend the Zoning Bylaw to allow Accessory Dwelling Units (ADUs) on the property of single family, two-family, and duplex dwellings; or take any action related thereto.

(Inserted at the request of Barbara Thornton and 10 registered voters)

The Redevelopment Board has not received any additional information from the petitioner as of February 11, 2021.

Zoning Bylaw Amendments: Affordable Housing on Privately Owned Parcels of “Non-Conforming” Size
Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE___

ZONING BYLAW AMENDMENT/

AFFORDABLE HOUSING ON PRIVATELY OWNED PARCELS OF NON-CONFORMING SIZE

To see if the Town will vote, to allow the development of new sources of permanently affordable housing (affordable in perpetuity and affordability as defined in Arlington Zoning By-Laws) by modifying the requirements for constructing housing units to enable construction on smaller lots as long as those units are permanently committed to be available for rental or ownership according to official regional guidelines (see Zoning Bylaw Section 2, Basic Provisions, Definitions Associated with Affordable Housing) of affordability; or take any action related thereto.

(Inserted at the request of Barbara Thornton and 10 registered voters)

This article was originally submitted for the 2020 Annual Town Meeting and was deferred. The petitioner requested that the article be inserted in the 2021 Annual Town Meeting Warrant. The petitioner provided the following in 2020:

Below are suggested standards, per zoning district, for the creation of an affordable residential unit on a “non-conforming” parcel. These standards would create more lenient zoning requirements in exchange for the creation of a permanently affordable housing unit. Gross Floor Areas might range between 1500 and 4300 square feet, depending on the lot.

Non- Conforming Lots R1 Zoning District

Requirements

- New zoning district created for non-confirming lots **AR1** (Affordable Residential Single Family)
- Special permit required
- All units developed must adhere to Section 8.2 of the Zoning Bylaws
- Minimum lot size 3,000 square feet.
- Minimum street frontage 40’
- Open Space will be reduced to 20% with minimum of 20’ in one direction.
- The size of a single-family dwelling is determined by using the F.A.R. calculation of 0.50
- A lot can be subdivided to create a non-confirming lot. However, the existing lot must meet all conforming lot requirements in accordance with the zoning by law

Examples

<u>Lot Size</u>	<u>Front Yard</u>	<u>Rear Yard</u>	<u>Side Yard</u>	<u>Lot Coverage</u>	<u>F.A.R.</u>
3,000	15’	20’	5’ on one side 10’ on 2 nd side	35%	0.50
3,500	15’	20’	5’ on one side 10’ on 2 nd side	35%	0.50
4,000	15’	20’	5’ on one side 10’ on 2 nd side	35%	0.50
5,000	15’	20’	5’ on one side 10’ on 2 nd side	35%	0.55

Zoning Bylaw Amendments: Affordable Housing on Privately Owned Parcels of “Non-Conforming” Size
Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

Non- Conforming Lots - R2 Zoning District

Requirements

- New zoning district created for non-confirming lots **AR2** (Affordable Residential Two- Family)
- Special permit required
- All units developed must adhere to Section 8.2 of the Zoning Bylaws
- Minimum lot size 4,000 square feet
- Minimum street frontage 40’
- Open Space will be reduced to 20% with minimum of 20’ in one direction
- The size of a two-family dwelling determined by using the F.A.R. calculation of 0.85
- A lot can be subdivided to create a non-confirming lot. However, the existing lot must meet all conforming lot requirements in accordance with the zoning bylaws.

Example

<u>Lot Size</u>	<u>Front Yard</u>	<u>Rear Yard</u>	<u>Side Yard</u>	<u>Lot Coverage</u>	<u>F.A.R.</u>
4,000	15’	20’	5’ on one side 10’ on 2 nd side	35%	0.85
5,000	15’	20’	5’ on one side 10’ on 2 nd side	35%	0.85

Non- Conforming Lots- R0 Zoning District

Requirements

- New zoning created for non-confirming lots **ARO** (Affordable Residential Single Family)
- Special permit required
- All units developed must adhere to Section 8.2 of the Zoning By-Laws
- Minimum lot size 6,000 square feet.
- Minimum street frontage 50’.
- Open Space will be reduced to 20% with minimum of 20’ in one direction.
- The size of a single-family dwelling is determined by using the F.A.R. calculation of 0.45.
- A lot can be subdivided to create a non-confirming lot so long as one portion of the existing lot meets the conforming lot requirements.

Examples

<u>Lot Size</u>	<u>Front Yard</u>	<u>Rear Yard</u>	<u>Side Yard</u>	<u>Lot Coverage</u>	<u>F.A.R.</u>
6,000	25’	20’	10’	35%	0.45
7,000	25’	20’	10’	35%	0.45

Zoning Bylaw Amendments: Multifamily Zoning for MBTA Communities

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE___ ZONING BYLAW AMENDMENT/ MULTIFAMILY ZONING FOR MBTA COMMUNITES

To see if the Town will vote to amend the Zoning Bylaw to comply with M.G.L. c. 40A to allow multifamily housing to be permitted as of right with a minimum gross density of 15 units per acre without age restrictions and suitable for families with children in the districts within one half-mile from the Alewife MBTA Station by amending SECTION 2 DEFINITIONS, SECTION 3 ADMINISTRATION AND ENFORCEMENT, SECTION 4 ESTABLISHMENT OF DISTRICTS, SECTION 5 DISTRICT REGULATIONS, SECTION 6 SITE DEVELOPMENT STANDARDS, and SECTION 8 SPECIAL REGULATIONS; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

A Warrant Article was submitted to address the requirement for MBTA Communities to create at least one by-right multifamily zoning district of reasonable size in compliance with the requirements of the Economic Development Bond Bill signed into law on January 17, 2021 by Governor Baker. The Board will likely await further guidance from the Massachusetts Department of Housing and Community Development on compliance.

Zoning Bylaw Amendments: Teardown Moratorium

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE__

ZONING BYLAW AMENDMENT/ TEARDOWN MORATORIUM

To see if the Town will vote to amend the Zoning Bylaw by adding to Section 8 a new provision substantially as follows: there is hereby established a temporary moratorium on the demolition, in whole or in part, of older small affordable houses, for a period of two years from the date of final adjournment of this Town Meeting, or when the Town establishes a method of protecting such houses in order to promote the Town's goals of economic diversity and affordability, whichever first occurs. For Purposes of this provision, the term "older small affordable houses" shall mean houses built before 1950 with a footprint of less than 1,000 square feet; or take any action related thereto.

(Inserted at the request of Lynette Culverhouse and 10 registered voters)

The Redevelopment Board has not received any additional information from the petitioner as of February 11, 2021.

Zoning Bylaw Amendments: Sideyard Sky Exposure Planes

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE____ ZONING BYLAW AMENDMENT/ SIDEYARD SKY EXPOSURE PLANES

To see if the Town will vote to or take any action related thereto: To amend Section 5.3 of the Zoning Bylaw by inserting, at the end thereof, a new sub-section 5.3.23 which describes the Purpose & Intent, Applicability, Definitions, Standards by District, Dimensional and Density Regulations and Exceptions for Sideyard Sky Exposure Planes to accommodate new construction while protecting public health, safety and welfare in Residential Zoning Districts.

(Inserted at the request of Ted Fields and 10 registered voters)

This article was originally submitted for the 2020 Annual Town Meeting and was deferred. The petitioner requested that the article be inserted in the 2021 Annual Town Meeting Warrant. The petitioner provided the following in 2020:

5.3.23 SIDEYARD SKY EXPOSURE PLANES

- A. Purpose and intent. This Section is to accommodate new construction in residential zoning districts R0, R1, and R2 while protecting the health, safety and general welfare of the community and further:
- (1) Encourage the use of solar energy systems and protect solar access;
 - (2) Protect the right of neighboring property owners to the use of their property within other zoning restrictions;
 - (3) Preserve views;
 - (4) Promote privacy.
- B. Applicability. The sky exposure plane standards in this section shall apply to one-family dwellings, two-family dwellings, three-family dwellings and duplex houses in principal buildings, and accessory buildings or structures exceeding 100 square feet in building area, erected under a Building Permit for New Construction issued after January 1, 2021, or as may otherwise be specified in these Bylaws.
- C. Definitions.
- (1) Side Yard Sky Exposure Plane: A plane that begins on a side yard lot line of a parcel at a specified starting elevation (based on the average finished grade of the ground adjoining that lot line), then extends vertically and horizontally toward the center of the lot along a slope perpendicular to that lot line until it reaches the maximum permitted height in the under-lying zoning district or intersects with a Side Yard Sky Exposure Plane from another of the parcel's lot lines. The Slope and the Starting Elevation for the Side Yard Sky Exposure Plane may vary for separate lot lines of a lot.
 - (2) Slope: The vertical rise of a Side Yard Sky Exposure Plane above the horizontal, expressed as a ratio of Rise (Vertical distance) to Run (Horizontal distance).
 - i. A Side Yard Sky Exposure Plane with a slope of 2.5:1 rises two and one half (2.5) feet vertically for every one (1) foot of horizontal distance away from its starting point.
 - ii. A Side Yard Sky Exposure Plane with a slope of 2:1 rises two (2) feet vertically for every one (1) foot of horizontal distance away from its starting point.

Zoning Bylaw Amendments: Sideyard Sky Exposure Planes

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

- iii. A Side Yard Sky Exposure Plane with a slope of 1.5:1 rises one and one half (1.5) foot vertically for every one (1) foot of horizontal distance away from its starting point.
- (3) Starting Elevation: The vertical distance at or above the average finished grade of the ground adjoining a lot line, specified in Section 5.3.23, Table 1: Dimensional and Density Regulations, which marks the starting point of a Side Yard Sky Exposure Plane.

D. Standards by district.

- (1) No building or structure; or portion thereof; shall be constructed or maintained beyond the Side Yard Side Yard sky exposure plane set forth in Section 5.3.23 Table 1, except as provided for in Section 5.3.20 and Section 5.3.23 F.
- (2) Where a building or structure is subject to a Side Yard Sky Exposure Plane begins at a lot line bordering or within a different district, the stricter limitation shall apply.

E. Dimensional and Density Regulations Table revisions:

Section 5.3.23 TABLE 1: DIMENSIONAL AND DENSITY REGULATIONS - SIDE YARD SKY EXPOSURE PLANES

<u>District Designation</u>	<u>Side Lot Line Slope (Rise/Run)</u>	<u>Side Lot Line Starting Elevation</u>
<u>R0</u>	<u>1.5 ft: 1 ft</u>	<u>0 feet above side lot line</u>
<u>R1</u>	<u>2 ft: 1 ft</u>	<u>0 feet above side lot line</u>
<u>R2</u>	<u>2.5 ft: 1 ft</u>	<u>0 feet above side lot line</u>

F. Exceptions to Side Yard Sky Exposure Planes in R0, R1and R2 districts.

- (1) The following structural elements may encroach beyond the Side Yard Sky Exposure Plane as specified below:
 - i. Roof overhangs or eaves that extend horizontally no more than two feet (24") beyond the Side Yard Sky Exposure Plane;
 - ii. Roof-mounted solar energy systems mounted flush to the roof sur face, or at an angle measured from a horizontal plane of no more than 15 degrees, provided that no supporting structure or equipment extends beyond the Side Yard Sky Exposure Plane;
 - iii. Gable roof-ends that extend no more than seven and one half (7.5) feet vertically and horizontally beyond the Side Yard Sky Exposure Plane, including any roof overhang;
 - iv. Dormers, provided that
 - a. The highest point of any dormer does not exceed the height of the primary roof ridge;
 - b. All dormers extend no more than five (5) feet horizontally and five (5) feet vertically beyond the Side Yard Sky Exposure Plane, including any roof overhang;
 - c. The combined width for all dormers does not exceed fifty percent (50%) of the length of roof on which they are located;

Zoning Bylaw Amendments: Sideyard Sky Exposure Planes

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

- (2) The Side Yard Sky Exposure Plane regulations set forth in Section 5.3.23 A shall not apply to the structural elements described in Section 5.3 as exceptions to the height limitations in Section 5.3.20.
- (3) Side Yard Sky Exposure Planes in R0, R1 and R2 districts are not applicable to one-family dwellings, two-family dwellings and duplex houses erected under a building permit issued after January 1, 2021 which contain at least one dwelling unit, or 50% of total dwellings units, whichever is greater, that meets the definition of Affordable Units as defined in Section 2 and are rented or sold to Eligible Households as defined in Section 2.

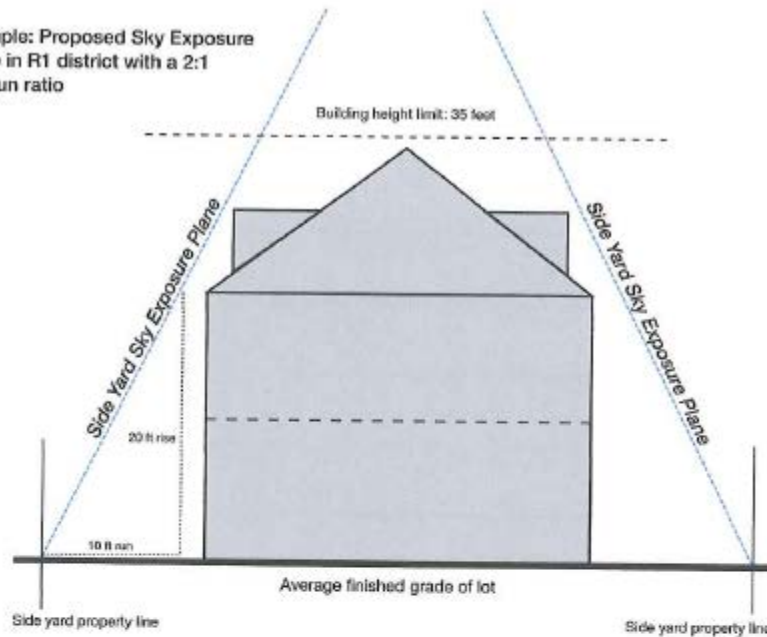
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Zoning Bylaw Amendments: Sideyard Sky Exposure Planes

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

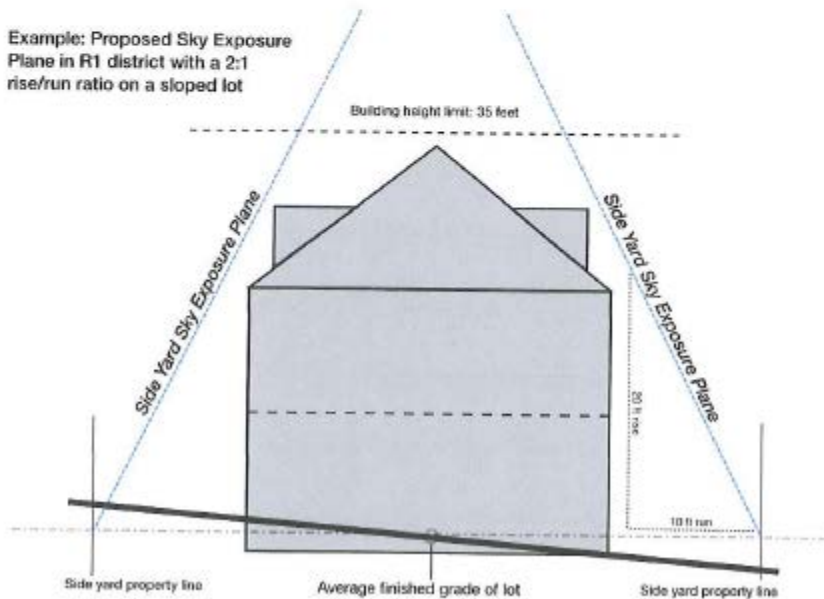
Illustration A. SideYard Sky Exposure Planes

Example: Proposed Sky Exposure Plane in R1 district with a 2:1 rise/run ratio



This image is for illustrative purposes only. It is not part of the Arlington Zoning Bylaw

Example: Proposed Sky Exposure Plane in R1 district with a 2:1 rise/run ratio on a sloped lot



This image is for illustrative purposes only. It is not part of the Arlington Zoning Bylaw

Zoning Bylaw Amendments: Parking Minimums

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE ____

ZONING BYLAW AMENDMENT/ PARKING MINIMUMS

To see if the Town will vote to amend the Zoning Bylaw for the Town of Arlington to reduce or remove minimum vehicular parking requirements in some or all business zoning districts; or take any action related thereto.

(Inserted at the request of James Fleming and 10 registered voters)

The petitioner provided the following:

6.1.5 Parking Reduction in Business, Industrial, and Multi-Family Residential Zones

The Board of Appeals or Arlington Redevelopment Board, as applicable, may allow the reduction of the parking space requirements in the R5, R6, R7, Business, and Industrial Zones to 25 percent of that required in the Table of Off-Street Parking Regulations if the proposed parking is deemed adequate and where Transportation Demand Management practices are incorporated, as evidenced by a Transportation Demand Management Plan approved by the Special Permit Granting Authority. Methods to reduce parking on site may include but are not limited to:

- A. Shared Parking: To implement shared on-site parking, the applicant shall demonstrate that proposed uses are non-competing. In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demand for non-competing uses. In these cases, the parking requirement for the largest of the uses (in terms of parking spaces required) shall be sufficient.
- B. Off-site Parking. An applicant may use off-site parking to satisfy their parking requirements as provided in Section 6.1.10. The applicant shall document efforts to promote use of off-site parking by customers, residents, or employees.
- C. Transportation Demand Management (TDM): Any request for parking reduction must include a plan to reduce demand for parking. TDM provides incentives to reduce the use of Single Occupant Vehicles and encourages the use of public transit, bicycling, walking, and ridesharing. All projects requesting a parking reduction must employ at least three TDM methods described below:
 - (1) Charge for parking on-site;
 - (2) Pay a stipend to workers or residents without cars;
 - (3) Provide preferential parking for carpooling vehicles;
 - (4) Provide a guaranteed emergency ride home;
 - (5) Provide transit pass subsidies;
 - (6) Provide covered bicycle parking and storage;
 - (7) Provide bicycle or car sharing on site;
 - (8) Provide showers for business or industrial uses;
 - (9) Other means acceptable to the applicable Special Permit Granting Authority.

Zoning Bylaw Amendments: Parking Minimums

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

When the applicable Special Permit Granting Authority determines that a business in the ~~B3 or B5 District~~ has no ability to create new parking onsite and that there is adequate nearby on-street parking or municipal parking, it may reduce to less than 25 percent or eliminate the amount of parking required in the Table of Off-Street Parking Regulations. In those circumstances, the applicable Special Permit Granting Authority may require the applicant to incorporate methods set forth in subparagraphs A., B., and C. of this section. The reductions described in this paragraph do not apply to residential use classes identified in Section 5.5.3. and are in addition to the exemption from the parking requirements for the first 3,000 square feet of non-residential space in a mixed-use development as set forth in Section 6.1.10.C. The applicable Special Permit Granting Authority may exercise this capability if a business meets any of the following conditions:

- (1) The business is located in the B3 or B5 Districts;
- (2) The gross floor area is not more than 6,500 square feet.

Zoning Bylaw Amendments: Establishing Requirements for Off-Street HP (Handicap Placard) Parking Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

**ARTICLE___ ZONING BYLAW AMENDMENT/ ESTABLISHING REQUIREMENTS FOR
OFF-STREET HP (HANDICAP PLACARD) PARKING**

To see if the Town will vote to amend the Arlington Zoning Bylaws, Section 6.1.5. ("Parking Reduction in Business, Industrial, and Multi-Family Residential Zones") to establish a minimum HP parking space criteria based on pre-reduction parking requirements; or to take any action related thereto.

(Inserted by the Select Board at the request of the Disability Commission)

The Redevelopment Board has not received any additional information from the petitioner as of February 11, 2021.

DRAFT

Zoning Bylaw Amendments: ADA/MAAB Standards in Administration and Enforcement
Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE__

**ZONING BYLAW AMENDMENT/ ADA/MAAB STANDARDS IN
ADMINISTRATION AND ENFORCEMENT**

To see if the Town will vote to or take any action related thereto: To see if the town will vote to amend the Arlington Zoning Bylaws, Section 3.1 ("Administration and Enforcement") to add a new clause inserting additional language asserting that all permits, including Special Permits, are conditioned upon compliance with all applicable Massachusetts Architectural Access Board and Americans with Disabilities Acts standards for accessibility, or take any action related thereto.

(Inserted by the Select Board at the request of the Disability Commission)

The Redevelopment Board has not received any additional information from the petitioner as of February 11, 2021.

Zoning Bylaw Amendments: Industrial Uses

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE ____

ZONING BYLAW AMENDMENT/ INDUSTRIAL USES

To see if the Town will vote to amend the Zoning Bylaw to update and modernize the Industrial Zoning Districts by amending SECTION 2 DEFINITIONS to define new uses; SECTION 5 DISTRICT REGULATIONS to clarify the applicability of the upper story building step back, to redefine the Industrial Zoning District, to clarify amenity requirements in the Table of Maximum Height and Floor Area Ratio and to add development standards, to include new uses and amend existing uses in the Table of Uses, and to provide additional standards for uses; and SECTION 6 SITE DEVELOPMENT STANDARDS to adjust the parking requirement for light manufacturing, to include standards for the Industrial Zoning Districts, to include standards for the Industrial Zoning Districts; and to adjust the bicycle parking standards for light manufacturing and office, medical or clinic uses; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Amend SECTION 2:

Definitions associated with Art/Cultural Uses

Artists' Mixed-use: The use of all or a portion of a building for both habitation and Artistic/Creative Production use, or a combination thereof. Refer to Section 5.9.2.

Co-working Space: A building or portion thereof consisting of a shared office environment, which contains desks or other workspaces and facilities, including but not limited to, dedicated workstations, office suites, meeting rooms, event space, resource libraries, and business or administrative support services, and is used by a recognized membership who share the site to interact and collaborate with each other. Refer to Section 5.9.2.

Maker Space: A building or portion thereof used for the on-site production of parts or finished products by individual or shared use of hand-tools, mechanical tools, and electronic tools. Maker Spaces may include space for design and prototyping of new materials, fabrication methodologies, and products, as well as space for packaging, incidental storage, sales, and distribution of such projects. Typical uses include but are not limited to: electronic goods; printmaking; leather products; jewelry and clothing/apparel; metal work; furniture; woodworking and cabinet shops; glass or ceramic production; and paper design and production. Refer to Section 5.9.2.

Work Only Artist Studio: A space used by an artist for the creation of any visual art or craft, including but not limited to, painting, drawing, photography, sculpture, and pottery; of written works of fiction or nonfiction; or any performing art, whether for live or recorded performance, including music, dance, and theater. Retail sales of art produced on-site and arts instruction by the artist are allowable accessory uses. Refer to Section 5.9.2.

Definitions associated with Light Manufacturing

Brewery, Distillery, and Winery: A small, independently owned facility in which alcoholic beverages produced on-site are bottled and sold, typically in conjunction with a bar, tavern, or restaurant use.

Zoning Bylaw Amendments: Industrial Uses

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

This includes the substantial equivalent to breweries, distilleries, and wineries. Refer to Section 5.9.2.

Flex Space: A combination of commercial activities under a single commercial entity, such as light manufacturing, office, distribution, research and development, or retail uses. Refer to Section 5.9.2.

Food Production Facility: Food and beverage manufacturing plants that transform raw materials into products for intermediate or final consumption by applying labor, machinery, energy, and scientific knowledge. Food production facilities do not include marijuana establishments or medical marijuana treatment centers. Refer to Section 5.9.2.

Self-Service Storage Facility: A building consisting of small, individual self-contained units that are leased or owned for the storage of business and household goods or contractor supplies, but precluding individual storage units that have at grade and direct vehicular access.

Vertical Farming: A building used for the practice of producing food on vertically inclined surfaces in vertically stacked layers. Vertical farming does not include marijuana establishments or medical marijuana treatment centers. Refer to Section 5.9.2.

Amend SECTION 5.3.7.:

D. In Industrial Districts, screening along the Minuteman Bikeway shall be limited to a vegetative screen, guardrail, and/or low fence under 4 feet in height only. Such screening shall either have gaps or vary in height to provide lines of sight from the Minuteman Bikeway to the adjoining property to promote safety for pedestrians and bicyclists. Pedestrian amenities such as seating, bins for recycling and refuse collection, and appropriate supplementary lighting shall be integrated within the landscaped area of the buffer.

Amend SECTION 5.3.17.:

For buildings more than three stories in height, an additional 7.5-foot step-back (upper story building setback) shall be provided beginning at the third story level or 30 feet above grade, whichever is less. The upper story step-back shall be provided along all building elevations with street frontage, excluding alleys. This requirement shall not apply to buildings in the Industrial District.

Amend SECTION 5.6.1.B.:

B. The Industrial District in the Mill Brook Valley allows uses requiring the manufacture, assembly, processing, or handling of materials and requires additional measure to prevent traffic, noise, appearance, odor, or hazards from becoming disruptive to residential and other business uses. In this district, the Town ~~discourages residential uses, retail business uses, or uses which would otherwise interfere with the intent of this Bylaw. Mixed-use development is allowed without~~

Zoning Bylaw Amendments: Industrial Uses

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

residential space allows residential uses, retail business uses, and restaurants if they are accessory to an industrial use to support the continuation of industrial uses in Arlington. Mixed-use development is allowed with all uses.

Amend SECTION 5.6.2.A.:

All Other District Maximum Height and Floor Area Ratio

	Requirement		
	Maximum Height (ft.)	Maximum height (stories)	Maximum Floor Area Ratio (FAR)
MU	70 ^{A,B}	-----	1.00
I	52 ^C 39	4 ^C 3 ^C	1.50
T	35	2 ½	0.35
PUD	85	----- ^D	0.80
OS	----- ^E	----- ^E	-----

Notes:

^A The maximum height in feet of any building or buildings may be modified per Section 3.4 of this Bylaw, provided that the total roof area exceeding either maximum height shall be equal to an equal roof area, within the part of the project to which the same height limit applies, that is less than the maximum height so that the total of the products of the horizontal roof area of all roofs times their respective heights shall not exceed the product of the horizontal area of the total roof times the applicable maximum height permitted in the district, and provided further that the height of any roof shall not exceed the applicable maximum height permitted in the district by more than 12 feet.

^B See Section 5.3.17.

^C ~~Upper story building setbacks required on structures with more than three stories. See Section 5.3.21.~~ Subject to amenity requirements in Section 5.6.2.D(7).

^D In a mixed-use building, residential uses shall be limited to five stories.

^E Accessory buildings in the OS district shall be located on the property so as not to detract from the primary goal of the open space use.

Amend SECTION 5.6.2.:

D. Development Standards.

In the Industrial District, the following requirements apply to all new development or additions over 50% of the existing footprint:

(1) Renewable Energy Installations

Zoning Bylaw Amendments: Industrial Uses

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

- The Redevelopment Board may, by special permit, allow adjustments to the height and setbacks in order to accommodate the installation of solar photovoltaic, solar thermal, living and other eco-roofs, energy storage, and air-source heat pump equipment. Such adjustments shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site, consistent with the other requirements of this section.
- All new commercial and mixed-use buildings shall be solar ready.

(2) Yards

- Where feasible, the principal façade of the principal building on the site shall be no more than 10 feet from the front lot line.
- The use of rain gardens, bioswales, and wetlands restoration to control runoff and manage stormwater on-site within setbacks is strongly encouraged. Such systems shall be integrated with the surface water drainage systems in Section 3.4.4.E. See Section 6.1.11.F(3) for relationship to parking areas.
- Fences greater than 4 feet tall within the abutting setback to the Minuteman Bikeway shall be prohibited. See Section 5.3.7.D. for additional requirements.

(3) Transparency and Access

- The required minimum transparency of the ground floor principal façade visible from a public right-of-way is 50% of the area measured between 2 and 8 feet in height from the level of the finished sidewalk.
- All façades visible from a public right-of-way shall be given equal treatment in terms of architectural detailing. No blank façades are permitted. Façades shall be articulated every 50 to 80 feet.
- Each building shall have a clearly defined primary entrance that faces the principal street. A corner door may be used for a building that faces two public streets.
- The primary building entry shall be connected by an accessible surface to the public sidewalk.

(4) Lighting

- All luminaires shall be consistent with the requirements of Article 14 Regulation of Outdoor Lighting of the Town of Arlington's Bylaws, unless noted below.

Zoning Bylaw Amendments: Industrial Uses

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

- All site and building lighting shall be downcast (75-degree cutoff or fully shielded). Lighting for walkways or parking lots shall be adequately spaced to create even light distribution.
 - Site luminaires shall minimize overspill onto an adjacent property and glare when viewed from the public right-of-way or abutting properties.
- (5) Pedestrian Amenities. All new development or additions over 50% of the existing footprint shall provide the following:
- Either one of the following:
 - A shade tree every 35 linear feet of lot frontage along a public right of way; or
 - Irrigated planter boxes every 15 linear feet of frontage along a public right of way.
 - And one of the following; however, for lots that abut the Minuteman Bikeway, this amenity should be located within the yard adjacent to the Bikeway:
 - One (1) piece of interactive art accessible to the public;
 - One (1) artful rainwater collection system, an above ground stormwater management system that includes artistic elements to collect and divert stormwater;
 - Two (2) benches or similar permanent seating accessible to the public; or
 - Historic marker indicating important historic event or former uses on the site.
- (6) Implement a temporary erosion and sedimentation control plan for all new construction activities associated with the project.
- (7) Exceptions to Maximum Height Regulations in the Industrial District
- For new development or additions that would otherwise be subject to Section 5.3.19, a maximum height of 52 feet or four stories is allowed subject to the following development standards:
- Demonstrate that new buildings or additions shall allow for full sun at least half the time or 50% sun coverage all the time on March 21, June 21, September 21, and December 21 on the lots within the required residential buffer as defined in Section 5.3.19.
 - Provide one (1) of the following sustainable roof infrastructure components:
 - Install a vegetated or green roof over 50% of the roof area.

Zoning Bylaw Amendments: Industrial Uses

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

- Use diffuse, highly reflective materials on 75% of the roof area.
- Install solar energy panels tied to the electrical system of the building. For new commercial or mixed-use building, provide solar PV and/or solar thermal on a minimum of 50 percent of the roof area.
- Provide 100% highly reflective concrete topping.
- Install a blue roof over 50% of the roof area to provide initial temporary water storage and then gradual release of stored water.
- Retain and treat 100% of stormwater on site.

Amend SECTION 5.6.3.:

Class of Use	I
Residential	
Artists' Mixed-use ^D	<u>SP</u>
Agricultural	
Vertical Farming	<u>SP</u>
Commercial & Storage Uses	
Self-service storage facility	<u>SP</u>
Eating & Drinking Establishments	
Restaurant	
=> 2,000 sq. ft., and any restaurant that is principal use on lot of 10,000 sq. ft. or more	<u>SP</u>
Retail	
Retail, general, >3,000 sq. ft. of gross floor area	<u>SP</u>
Retail, local; <3,000 sq. ft. or gross floor area	<u>Y</u>
Office Uses	
Including but not limited to professional, business, or medical or dental offices.	
Less than 3,000 <u>5,000</u> sq. ft. gross floor area per building	Y
3,000 <u>5,000</u> sq. ft. or more gross floor area per building	SP
Office, display or sales space providing not more than 25% of floor space is used for assembling, packaging and storing commodities; <u>percentage of space used for office, assembling, packaging and storing</u>	Y

Zoning Bylaw Amendments: Industrial Uses

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

Class of Use	I
<u>commodities is flexible.</u>	
<u>Co-working Space</u>	
<u>Less than 5,000 sq. ft. gross floor area per building</u>	<u>Y</u>
<u>5,000 sq. ft. or more gross floor area per building</u>	<u>SP</u>
Wholesale Business & Storage	
Office, display or sales space of a wholesale, jobbing, or distributing establishment provided that no more than 25% of floor space is used for assembling, packaging and storing of commodities; percentage of space used for office, assembling, packaging and storing commodities is flexible.	Y
Research, Laboratory, Related Uses	
Offices with data processing facilities or laboratories and testing facilities, which may include minor assembly or fabrication activities limited to 25% of the floor area.	SP
Light Industry	
<u>Brewery, distillery, winery</u>	<u>SP</u>
<u>Flex space</u>	<u>SP</u>
<u>Food production</u>	<u>SP</u>
Other Principal Uses	
<u>Work-only Artist Studio</u>	<u>Y</u>
<u>Maker Space</u>	<u>Y</u>
Accessory Uses	
<u>Tasting, accessory to a commercial brewery, winery, distillery</u>	<u>Y</u>
Notes	
<p>^A Six or more units on one or more contiguous lots requires a special permit.</p> <p>^B But permitted by right if accessory to a use exempt under G.L. c. 40A, § 3. See Section 3.5.</p> <p>^C If customers or pupils do not come to the house for business or instruction.</p> <p>^D Mixed use in Industrial Zones shall not include residential uses. <u>Mixed use in Industrial Zones may include residential uses, subject to the requirements of Section 5.9.2.I.</u></p>	

Amend SECTION 5.9:

5.9.2 Uses in the Industrial Districts.

Zoning Bylaw Amendments: Industrial Uses

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

- A. Artists' Mixed-Use. Any portion of a building devoted to such use shall be subject to the following conditions:
- (1) Occupied by persons certified as artists pursuant to the Arlington Commission for Arts and Culture (ACAC) Artist Certification Process,
 - (2) Designed in accordance with ACAC standards and guidelines for artists' mixed-use space, and
 - (3) Subject to an agreement for artists' housing as part of the conditions of a special permit granted by the Arlington Redevelopment Board (ARB).
- B. Work Only Artist Studio. An artist studio shall not be used by more than two artists, except for occasional and time-limited collaborations with other artists.
- C. Co-working Space. Rules for membership and participation in the co-working space shall be explicit, transparent, and available to the public. Co-working spaces may host classes or networking events which are open either to the public or to current and prospective members.
- D. Maker Space. Maker Spaces may host classes or networking events which are open to the public. Maker Spaces may also include a membership component.
- E. Brewery, distillery, and winery, including functional equivalents. Tap room hours of operation open to the public shall not represent disturbance to adjacent residential uses and such hours must follow the Commonwealth of Massachusetts requirements for licensing and operations.
- F. Flex Space. The firm using the Flex Space must meet the following criteria:
- (1) All of the uses on the site must be specifically allowed as principal uses within the Arlington Industrial Zone.
 - (2) Changes in products, services, and square footage of uses will not require further approval for use if the Building Inspector determines the uses and property are otherwise in conformance with the Bylaws.
 - (3) The floor area of each use is unrestricted except for uses where a limitation on size or density is present. In this case, the floor area of such use shall be at or below the given limitation.
- G. Food production facility. Food and beverage facilities shall:
- (1) Properly store equipment and remove litter and waste within the immediate vicinity of the plant buildings or structures as to avoid becoming a breeding place, or harborage for pests.
 - (2) Constantly check for pests and pest infestation
 - (3) Locate and operate fans and other air-blowing equipment in a manner that minimizes noise levels and the potential for contaminating the building and its surroundings to avoid health hazards to the public.
 - (4) Not locate vents on the façade adjacent to sidewalks or the Minuteman Bikeway to avoid exposure to the public.
- H. Vertical Farming. This use shall be approved by a special permit from the Redevelopment Board to make sure operations such as lighting, gases, humidity, and temperature do not affect the surrounding microclimate and the well-being of adjacent uses.

Zoning Bylaw Amendments: Industrial Uses

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

- I. Mixed-Use Building in the Industrial District. Residential uses may be a component of a mixed-use development. Mixed-use development may be integrated vertically, within a single building, or horizontally, in multiple buildings on the same site. The ground floor use of the principal building on the site must be industrial or commercial. Residential use must be no more than twice the gross floor area of the principal ground floor industrial or commercial use.

Amend SECTION 6.1.4.:

Use	Minimum Number of Spaces
Manufacturing, Light	1 space per 600 1,000 sq. ft. of gross floor area or 0.75 spaces per employee of the combined employment of the two largest successive shifts, whichever is greater

Amend SECTION 6.1.10.:

- F. Parking in Industrial Districts. In an Industrial District, all parking and loading areas shall be subject to the following requirements in addition to the applicable requirements of Section 6.1.10:
- (1) The parking area shall be located to the rear or side of the primary building. No parking shall be permitted in the front yard nor shall any driveways directly in front of a structure be permitted without a finding by the Zoning Board of Appeals or Arlington Redevelopment Board, as applicable, that the parking or driveway is necessary and convenient to the public interest.
 - (2) Any loading and/or delivery access shall be located at the rear of the building or in an alley between buildings on the same lot. In the case of demonstrated hardship, an alternative may be approved by the Arlington Redevelopment Board.

Amend SECTION 6.1.11.:

- F. Parking in Industrial Districts. In an Industrial District, all parking and loading areas shall be subject to the following requirements in addition to the applicable requirements of Section 6.1.11.:
- (1) Parking spaces above the minimum number required by Section 6.1.4. shall be surfaced with a permanent pervious material or binder.
 - (2) For parking areas not covered with pervious surfaces, one of the following options must be chosen to reduce the heat given off by the paved surface of the parking area:
 - Install a highly reflective surface using one of the following options:
 - Roller-compacted concrete
 - Concrete over asphalt (white topping and ultra-thin white topping)

Zoning Bylaw Amendments: Industrial Uses

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

- Use of light-colored aggregate in asphalt.
- Asphalt, concrete and pavers with modified colors
- Increase shade of the impervious pavement to a minimum of 50% of the surface by one or both of the following methods:
 - Installing trees within the landscaped areas required by Section 6.1.11.D (6) in the Town of Arlington bylaws.
 - Solar panels over parking spaces allowing cars to park underneath.
- (3) Rain gardens, bioswales, and wetlands restoration, as appropriate to control runoff and manage stormwater on-site, are strongly encouraged and should act as a transition between parking and open space.
- (4) Electric vehicle charging stations are strongly encouraged.
- (5) All parking surfaces shall comply with requirements of subparagraph E of Section 3.4.4. Environmental Design Review Standards.

Amend SECTION 6.1.12.D:

Use	Minimum Number of Long-Term Bicycle Parking Spaces	Minimum Number of Short-Term Bicycle Parking Spaces
Business or Industrial Use		
Manufacturing, Light	0.80 spaces <u>1 space per 1,000 sq. ft. of gross floor area or 0.75 spaces per employee of the combined employment of the two largest successive shifts, whichever is greater</u>	0.60 spaces per 1,000 sq. ft. of gross floor area
Office, medical or clinic	0.30 spaces <u>1 space per 1,000 sq. ft. of gross floor area</u>	0.50 spaces per 1,000 sq. ft. of gross floor area

Zoning Bylaw Amendments: Date of Zoning Map

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE ____

ZONING BYLAW AMENDMENT/ DATE OF ZONING MAP

To see if the Town will vote to amend the Zoning Bylaw to update the date of the Zoning Map of the Town of Arlington, Massachusetts, to November 16, 2020; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Amend SECTION 4.2:

4.2 ZONING MAP

Zoning districts are shown on a map entitled "Zoning Map of the Town of Arlington, MA" and dated ~~May 19, 2015~~ November 16, 2020 (the Zoning Map) on file in the Office of the Town Clerk and the Department of Planning and Community Development. The district boundaries shown on the Zoning Map, including an overlay map entitled "Wetland and Floodplain Overlay" are part of this bylaw. The Zoning Map may include geographical features, streets, notations, and such other information to keep the map current and to facilitate orientation.